

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|-----------------------------|---|------------------------|
| _____ |) | |
| THERESA H. LUKE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil No. 12-11903-PBS |
| |) | |
| U.S. DEPARTMENT OF JUSTICE, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

ORDER REGARDING SERVICE

January 8, 2013

SOROKIN, C.M.J.

The plaintiff, Theresa Luke, sued the Department of Justice (“DOJ”) under 5 U.S.C. § 552(a)(4)(B) after her request for access to certain United States Marshals Service records was administratively denied. See Doc. Nos. 1, 1-1. Summons were issued on October 11, 2012. Doc. No. 4. On November 20, 2012, Luke filed a document entitled Return of Service in which she attested that she served “the Summons in this action . . . by certified mail” on the DOJ at its office located on New York Avenue in Washington, D.C. See Doc. No. 6. Thereafter, the matter was referred to the undersigned for pretrial case management. Doc. No. 7. No responsive pleading has been filed.

Service of process is governed by Rule 4 of the Federal Rules of Civil Procedure. The following provisions are particularly relevant here:

- A plaintiff must serve a copy of her complaint along with the summons. Rule 4(c)(1).
- When serving a government agency, a plaintiff must serve both the United States *and* the

agency itself. Rule 4(i)(2).

- To serve the United States, a plaintiff must: (i) deliver the summons and complaint to the U.S. Attorney for the district where the action was filed or send copies of the summons and complaint to the civil-process clerk at the U.S. Attorney's office; **and** (ii) send copies of the summons and complaint to the U.S. Attorney General. Rule 4(i)(1)(A)-(B).
- A plaintiff generally must effect service within 120 days after filing the complaint. Rule 4(m).

Here, Luke's Return of Service does not establish that she has satisfied the above-listed requirements. For example, it does not aver that she served the complaint along with the summons. Moreover, it does not demonstrate she served the United States as required by Rule 4(i).

Accordingly, Luke is hereby ORDERED to effect proper service in this action, pursuant to the provisions of Rule 4 summarized above, on or before February 8, 2013. Upon doing so, Luke shall file with the Court proof of service as required by Rule 4(l). Failure to do so may result in dismissal of this action.

SO ORDERED.

/s/ Leo T. Sorokin
Chief U.S. Magistrate Judge